

**Amendments to the Drawings:**

The attached two sheets of drawings include changes to FIGS. 1 and 2. These sheets replace these sheets currently on file depicting FIG. 1 and FIGS. 2-4. FIGS. 1 and 2 have been amended to indicate the outer sleeve 14 being made of a thermoplastic elastomer as described in the specification.

Attachment: Two replacement sheets of drawings

### **REMARKS / ARGUMENTS**

The claims are 1-4 and 6, with claims 7-10 having been withdrawn from consideration by the Examiner as directed to a non-elected invention. Claim 1 has been amended to better define the invention and to substantially incorporate the subject matter of claim 5. Accordingly, claim 5 has been canceled. In addition, claims 2-4 and 6 have been amended to improve their form. FIGS. 1 and 2 have been amended to show that the outer sleeve 14 is made of a thermoplastic elastomer as requested by the Examiner. The specification has been amended to provide headings and the Abstract of the Disclosure has also been amended as requested by the Examiner. Reconsideration is expressly requested.

The Abstract was objected to because of the implied phrase "[t]he invention relates to." In response, Applicant has amended the Abstract to correct this informality.

The drawings filed October 27, 2008 were objected to as being inconsistent with the specification in that FIGS. 1 and 2 were said to show that the sleeve 14 was made of metal whereas

the specification describes that the outer sleeve 14 is made of a thermoplastic elastomer. The specification was objected to as being inconsistent with the drawings in that respect. In response, Applicant has amended FIGS. 1 and 2 to show the outer sleeve being made of a thermoplastic elastomer as described in the specification, which it is respectfully submitted overcomes the Examiner's objection to the drawings and the specification on the basis of these informalities.

The specification was also objected to as lacking headings. In response, Applicant has amended the specification to provide headings, which it is respectfully submitted overcomes the Examiner's objection to the specification set forth in the Office Action.

Claim 6 was objected to as containing a typographical error and claims 1-6 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for the reasons set forth on pages 8-9 of the Office Action. In response, Applicant has amended claims 1-4 and 6 to improve their form, and has canceled claim 5. It is respectfully submitted that all currently pending claims fully comply with 35 U.S.C. 112, second paragraph, and Applicant

respectfully requests that the rejection on this basis be withdrawn.

Claims 1-6 were rejected under 35 U.S.C. 102(b) as being anticipated by *Noriyasu JP 10-24750* for the reasons set forth on pages 9-10 of the Office Action.

This rejection is respectfully traversed.

As set forth in claim 1 as amended, Applicant's invention provides a selector lever which is guided within a gate shift slot and includes a selector lever shank. In the region of the gate shift slot, a rolling body is arranged rotatably around the selector lever shank and is arranged to roll on the inner edge of the gate shift slot. The rolling body includes at least two components which are connected rotationally fixedly to one another in the direction of rotation, in such a way that, during rolling, the rolling body rotates in relation to the selector lever shank. In this way, Applicant's invention provides a selector lever in which no sliding friction occurs between the selector lever and the inner edge of the gate shift slot so that the selector lever rolls in an agreeable way on the inner edge.

Noriyasu fails to disclose a selector lever having the structure recited in claim 1 as amended in which the lever includes a selector lever shank and the rolling body is arranged **around** the selector lever shank. In Noriyasu's arrangement the caps 50 are arranged at pins 46, 48 of a separate arm 38. Moreover, there is no disclosure or suggestion in Noriyasu of a rolling body including at least two components, which are connected rotationally fixedly to one another in the direction of rotation in such a way that during rolling the rolling body rotates in relation to the selector lever shank. In Noriyasu, the caps do not include two components as recited in Applicant's claims.

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Moreover, although it is not entirely clear from the Abstract, it appears that the caps 50 of Noriyasu cannot rotate, but rather are fixed on the pins 46, 48 which cannot rotate as well.

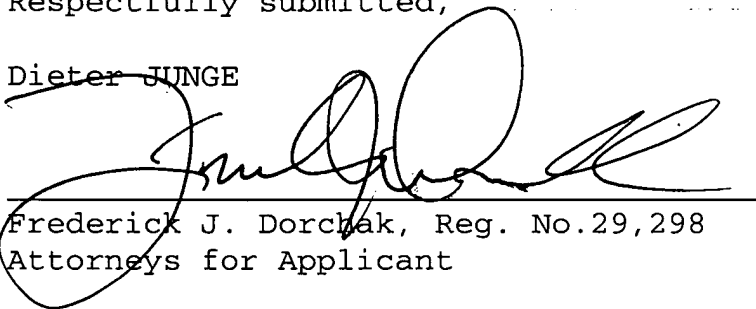
Accordingly, it is respectfully submitted that claim 1 as amended, together with claims 2-4 and 6 which depend thereon, are patentable over Noriyasu.



In summary, claims 1-4 and 6 have been amended, along with the specification including the Abstract and FIGS. 1 and 2. In view of the foregoing, it is respectfully requested that the claims be allowed and that this case be passed to issue.

Respectfully submitted,

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Enclosures: Appendix - 2 replacement sheets of drawings  
Abstract

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on February 27, 2009.



Amy Klein

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# APPENDIX